

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

D'WAYNE CARPENTER,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 04CV40043WGY
	)	
DAVID L. WINN, et al.	)	
	)	
Respondent.	)	
	)	

**RESPONDENT WARDEN WINN'S MOTION FOR SUMMARY JUDGMENT**

The respondent, David L. Winn, Warden, the Federal Medical Center in Devens, Massachusetts ("FMC Devens"), hereby moves for summary judgment pursuant to Fed. R. Civ. P. 56(c).

Respectfully submitted,

RESPONDENT DAVID L. WINN,  
By his attorney,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Gina Y. Walcott-Torres  
Gina Y. Walcott-Torres  
Assistant U.S. Attorney  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3369

Dated: August 16, 2004

**CERTIFICATE OF SERVICE**

This is to certify that I have this 16<sup>th</sup> day of August 2004, served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

D'Wayne Carpenter (#05823-016), *pro se*, P.O. Box 879, Ayer, MA 01432

/s/ Gina Y. Walcott-Torres  
Gina Y. Walcott-Torres  
Assistant United States Attorney

**REQUEST FOR WAIVER OF LOCAL RULE 7.1(A)(2) CERTIFICATION**

The undersigned counsel hereby requests a waiver of the requirements of Local Rule 7.1(A)(2). As reasons therefore, she asserts that the plaintiff, who is acting *pro se*, is incarcerated at the Federal Medical Center in Devens, Massachusetts.

/s/ Gina Y. Walcott-Torres  
Gina Y. Walcott-Torres  
Assistant United States Attorney